



November 10, 1999

Lieutenant Arturo Valdez
Center Record Division
City of McAllen Police Department
1501 Pecan Boulevard
McAllen, Texas 78501

OR99-3211

Dear Lieutenant Valdez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128850.

The City of McAllen received a request for two offense reports and related information. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code.

Section 552.108(a)(1) excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor
that deals with the detection, investigation, or prosecution of crime . . .
if:

(1) release of the information would interfere with the
detection, investigation, or prosecution of crime[.]

You advise that the requested information pertains to pending criminal cases. Based on your representations, we conclude that you may, except as noted below, withhold the requested information under section 552.108(a)(1).

Section 552.108 does not except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have

raised no other exception to disclosure for the basic information, you must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

Also, the material you submitted as responsive to the request appears to include court records. Such court records are public in nature and must be released. *See Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "William Walker", with a long horizontal flourish extending to the right.

William Walker
Assistant Attorney General
Open Records Division

WMW/ljp

Ref: ID# 128850

Encl. Submitted documents

cc: Mr. Antonio Martinez
Attorney at Law
1008 E. Lovett
McAllen, Texas 78501
(w/o enclosures)